

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRELL L. THOMPSON,

Defendant.

8:21CR29

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court on the government's Motion for Preliminary Order of Forfeiture (Filing No. 39). The Court has carefully reviewed the record in this case and finds as follows:

1. On October 19, 2021, defendant Darrell L. Thompson ("Thompson") pleaded guilty to Counts III and IV of the Superseding Indictment (Filing No. 17) and admitted the Forfeiture Allegation. Count III charged Thompson with distribution of methamphetamine; in violation of 21 United States Code section 841(a)(1) and (b)(1). Count IV charged Thompson with knowingly using and carrying a firearm, during and in relation to, and knowingly possessing such firearm in furtherance of, a drug trafficking crime, that is, the offense described in Count III; in violation of 18 United States Code section 924(c)(1)(A).

2. The Forfeiture Allegation of the Superseding Indictment sought forfeiture, pursuant to 21 U.S.C. § 853, of firearms on the basis they were either (a) used to facilitate the offenses charged in the Superseding Indictment or (b) derived from proceeds obtained directly or indirectly as a result of the commission of the offenses charged in the Superseding Indictment. The firearms include:

a. Cobra Model FS380, .380 caliber handgun, SN FS016372;

- b. A FN Herstal FNS-9C 9mm handgun, defaced SN, and;
- c. A Smith & Wesson .357 revolver Model 66 Combat Magnum, revolver, SN 4K60466.

3. Based on Thompson's guilty plea and admission, Thompson has forfeited his interest in the firearms, and the government should be entitled to possession of the firearms pursuant to 21 U.S.C. § 853.

4. The government's Motion for Preliminary Order of Forfeiture should be granted.

IT IS ORDERED:

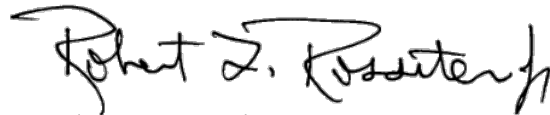
- 1. The government's Motion for Preliminary Order of Forfeiture (Filing No. 39) is granted.
- 2. Based upon the Forfeiture Allegation of the Superseding Indictment (Filing No. 17) and Thompson's guilty plea and admission, the government is hereby authorized to seize the firearms.
- 3. Thompson's interest in the firearms is hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1), 18 U.S.C. § 924(d)(1) and 21 U.S.C. § 2461(c).
- 4. The firearms are to be held by the government in its secure custody and control.
- 5. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish for at least thirty consecutive days on an official government forfeiture internet site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the firearms in such manner as the Attorney General may direct, and notice that any person, other than Thompson, having or claiming a legal interest in any of the subject firearms must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
- 6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the firearms, shall be signed by the Petitioner under penalty of perjury, and

shall set forth the nature and extent of the Petitioner's right, title, or interest in the firearms and any additional facts supporting the Petitioner's claim and the relief sought.

7. The government shall, to the extent practicable, provide direct written notice to any person known to have an interest in the firearms as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), 21 U.S.C. § 853(n)(1), 18 U.S.C. § 924(d)(1) and 21 U.S.C. § 2461(c), in which all interests will be addressed.

Dated this 5th day of November 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge